

# **EXHIBIT J**

**From:** Fischer, Howard  
**To:** Anthony DeMint (anthony@demintl.com)  
**Cc:** Ellenbogen, Bennett  
**Subject:** RE: Our discussion earlier today  
**Date:** Wednesday, November 14, 2018 5:23:00 PM  
**Attachments:** 11.14.2018 Letter re open discovery items.pdf

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Anthony:

Notwithstanding what we understood to be your representation to us last week that we would hear back from you regarding the status of the matters set forth below, we have not received either any materials nor a report on the status of the requests set out in our earlier correspondence. While we would prefer not to have to resort to motion practice, we are concerned that your lack of response might force our hand.

Additionally, having had a chance to fully review your prior production, we have concluded that it is seriously deficient. The full extent of that deficiency is set out in the attached correspondence. We would like to set up a time to meet and confer regarding those deficiencies; please provide the times you are available in the next week.

Regards,

Howard

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**From:** Fischer, Howard  
**Sent:** Wednesday, November 07, 2018 3:47 PM  
**To:** Anthony DeMint (anthony@demintl.com)  
**Cc:** Ellenbogen, Bennett  
**Subject:** Our discussion earlier today

Anthony:

It was a pleasure speaking with you earlier. I wanted to confirm several items.

First, the 30(b)(6) deposition of Randall Letcavage will be held at our Los Angeles office, at 9:30 am PST on Thursday, December 6.

Second, with respect to our letter of October 30, 2018, you have advised us that you are in the process of responding to the requests set forth therein. You have advised us that your current understanding is that Premier does not and has not maintained a centralized document depository or keep its emails on one centralized server. You have also advised us that you understand that Premier emails were archived on individual machines. (Please advise us if that understanding changes.) Consequently, your client is looking through various sources to obtain responses to our follow-ups from Ms. Absher's testimony. Furthermore, when we asked if you had looked to determine whether Ms. Absher's computer was still present in the office, you said you would check.

Third, we agreed that we would have a follow up call or email next Tuesday, November 13, to check the status of the above.

Fourth, we asked you if you would agree that, to the extent the parties could not consensually resolve discovery disputes going forward, rather than following the procedures set out in Local Rule 37 we resort instead to the procedures set out in Judge Magistrate Scott's Individual Rules. Local Rule 37 can be found at:

[https://www.cacd.uscourts.gov/sites/default/files/documents/2018%20June%20LRs%20Chap%201\\_0.pdf](https://www.cacd.uscourts.gov/sites/default/files/documents/2018%20June%20LRs%20Chap%201_0.pdf)

The Magistrate's abbreviated procedure can be found at:

<https://www.cacd.uscourts.gov/honorable-karen-e-scott>

Regards,

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